For the foregoing reasons, I am of opinion that new Members of the Council may be added to the Select Committee on a Bill being re-committed to it under S. O. 37.

Question proposed: *That Messrs. V. D. Ouseph and C. V. Kuriyan be co-opted to the Select Committee.*

Question put and agreed to.

President.—Mr. Ramachandra Ayyar was telling me about an adjournment motion. You want my order? It does not appear to be a clear case, and it will take some time before I pass an order. I cannot easily say whether it is in order or not.

Mr. T. A. Ramachandra Ayyar.—We can have it tomorrow.

The House rose for lunch at 2-3 p. m. and met again at 3 p. m. with the Deputy President in the Chair.

5. Election of non-official Members for the Standing Finance Committee.

Deputy President.—Election of Members of the Standing Finance Committee. You have got the forms, I believe. Please note down the names.

Dr. A. G. Menon.—I think that there is no necessity for a vote. We have come to an understanding that Messrs. C. J. Mathew, A. B. Salem and P. Krishna Menon be the Members of the Standing Finance Committee. There will be no opposition, I believe.

Mr. M. K. Raman.—I second it.

Motion put and agreed to.

6. Cochin Free Compulsory Primary Education Bill.

Deputy President.—We shall go on with the Bills for introduction.

The first is Mr. K. T. Mathew's. The Member is absent.

Hence the motion was considered withdrawn.

7. Bill to amend the Cochin Christian Succession Regulation VI of 1097.

Mr. V. D. Ouseph.—I move that the Bill to amend the Cochin Christian Succession Regulation VI of 1097 be read in Council.

Mr. C. J. Mathew.—I second it.

Mr. V. D. Ouseph.—The objects and reasons are given in detail along with the Bill itself. They will speak for themselves. Of course the main purpose of the Bill is to make better provision—rather enhance the share of inheritance—for women. Personally I am for giving equal shares to sons and daughters. But I thought that may not be very acceptable to

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others. So I have reduced the share to one half. That is the principal change to be brought about by the Bill so far as succession is concerned.

Another purpose of the Bill is to have the Succession Regulation applied to the Christians of the Chittur Taluk also. These are the only main changes.

Mr. A. Sankara Menon.—May I know from the Hon'ble Member whether he has ascertained the views of the Chittur Christians ?

Mr. V. D. Ouseph.—I have ascertained the views from Mr. Silva.

Mr. A. Eachara Menon.—Sorry that he was the only man.

Sir, I oppose the motion. A good portion of my constituency are Tamil Christians, and Mr. Silva is one of them. When I got a copy of the Bill, I went to the place and held an informal meeting there to ascertain their views, and they were all against the Bill. They do not want to change the succession rule now followed. The thing is that they have marital connections with persons residing in Coimbatore and other places. They are also Tamil Christians. In case they accept this Bill, their relations would not like it. For that reason I oppose the Bill.

Mr. V. D. Ouseph.—Have you got resolutions passed in the meeting ?

Mr. A. Eachara Menon.—I said that it was an informal meeting.

Mr. C. A. Kunjunni Raja.—I shall make one or two observations with regard to this Bill. I had occasion to come into contact with the Tamil Christians of Chittur in the course of my professional work. Some of them told me that they do not want the change, and I have been given a mandate to oppose this Bill. They are perfectly happy with the present system. They fear there will be conflict in the laws governing this community, if there is no corresponding change in the neighbouring British District of Coimbatore.

There may be a section wanting this measure. But in all these matters we have to be guided by the majority, and my request to the Government is that, unless they have ascertained that the majority are in favour of this measure, they should oppose this Bill.

Dr. A. G. Menon.—May I ask the Hon'ble the mover whether he has any objection to leave out the Tamil Christians?

Mr. V. D. Ouseph.—The objection raised is that it is not known whether the majority of the Tamil Christians want this Bill or not. We shall enquire into this question at the Select Committee stage and see whether they require it or not. In

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case they do not want it, I am not for it. There are many among them who are in favour of it. If the majority are against it, we shall leave out that portion of the Bill. There are only about 10,000 of these people.

Mr. A. Sankara Menon.—I think that it is very essential to ascertain the views of the Tamil Christians before the Bill is introduced. The Select Committee has not the power to go into the question whether the majority of the persons affected by the Bill are in favour of it or not. That ought to be ascertained before the Bill is read. Therefore, I move, under Standing Order No. 26, that till this is ascertained the Bill stand adjourned.

Mr. T. K. Krishna Menon.—I second it.

Deputy President.—How to ascertain the views?

Mr. A. Sankara Menon.—The Government will ascertain the views by the necessary inquiries. The Select Committee cannot ascertain that. It can only take expert evidence on the subject. This is not within the jurisdiction of the Select Committee. If the Bill is once introduced into this House, it must be taken to mean that there is the necessity for such a piece of legislation in our State.

Mr. M. K. Raman.— Indeed, the question is whether a section of the Christian community in the Chitttur Taluk wants it or does not want it. At any rate, it is not ascertained now. With regard to the rest of the Christian community, I do not think there is any opposition. Even in Chittur Taluk, we cannot with certainty say one way or the other. As a matter of fact, this Bill is one which would give some rights to the women of the community, and there is a section of the Christian community who are for it. There may be a small section of the Christians of the Chittur Taluk who are not for it. That is no reason why the Bill should be delayed and the legislation be stopped on that account. Simply because we have not ascertained the views of a particular section of a community in a particular locality, we should not allow the Bill to lie over. At the most what we have to do is that the legislation should not affect them who are not for it. They could very well be exempted. If they were not for this legislation, they would have assembled in meetings and passed resolutions, and they would have brought that fact to the notice of the Government. If they do so, the Tamil Christians may be exempted.

Mr. V. D. Ouseph.—Has the Government done anything up to this to ascertain the views of the people?

Rama Varmha Tampuran.—Yes. They have forwarded the Bill to the Municipal Chairman, the Tahsildar and others to ascertain the views of the people.

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Mr. V. D. Ouseph.—I think it is not proper for the Government now to come and say that the consideration of the Bill may be delayed without practically having done anything up to now to ascertain the views of the Tamil Christians.

Deputy President.—They have sent the Bill to the Municipal Chairman.

Mr. V. D. Ouseph.—My submission is that even supposing that the majority are against the Bill, the legislation is not to be made always according to the wishes of the majority. There were very many legislations carried forward against the wishes of the majority. Our present duty is only to discuss the principles of the Bill.

Mr. A. B. Salem.—A point has been taken by the Hon'ble the Law Member to the effect that this Bill be passed over under Standing Order No. 26. I stand to oppose that view. Of course, it is within his province to move that anything be passed over, and the House will either support or reject the motion. The motion has been put upon the ground that it be passed over till the views of a certain people are ascertained. Now that will be taking away the right of every Member to legislate. Every Member of this House is entitled to bring forward any Bill which he considers necessary in the interest of his individual community or the community at large. Whenever he thinks that a Bill is necessary in the interests of his people, he is perfectly at liberty to bring forward one. If there are any objections, all those questions have to be gone into by the Select Committee. That is the usual procedure adopted. Of course, there is no duty on the part of any Member to appoint commissions or to hold public meetings to ascertain the public views on the matter, and then to introduce a Bill. He may bring in a Bill of his own accord. He may bring in a Bill for many reasons. When it comes to the Select Committee, all the views of all persons will be ascertained. How did we do in the Nambudiri Bill? Certainly, we did not ascertain the wishes of the Nambudiris, before initiating legislation. There were people who were for it and those who were against it. The Select Committee was appointed, and they went from place to place to ascertain the views of the Nambudiris on the matter. All these questions will come in the Select Committee stage. Therefore, to move that the Bill be passed over for the purpose of ascertaining the wishes of a particular section is a procedure which we cannot agree to. It may be that, when the Bill comes forward for discussion, persons, who are interested to see that such provisions are deleted from the Bill or made not applicable to those who do not want such legislation would take necessary action. Or they can table amendments or do whatever they like.

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So, to reject the Bill and to postpone it on the mere ground that the Bill is not brought forward with some big petitions is a proposition that is too big for the House to swallow.

Mr. K. J. Antony.—On a point of information, may I know whether the Government ascertained the views of the majority when the Nayar Regulation Amendment Bill was brought forward?

Mr. A. Sankara Menon.—Surely they did.

Mr. A. B. Salem.—The Member is perfectly at liberty to move the Bill. Simply on the ground that he had not ascertained the wishes of the people the Bill cannot be allowed to pass over.

Mr. M. K. Raman.—Was the answer of the Hon'ble the Law Member to the question put by the Hon'ble Member for Palliviruthi that the views were ascertained?

Mr. A. Sankara Menon.—Yes.

Mr. M. K. Raman.—May I know, when Mr. Kannan Nayar's Bill to amend the Nayar Regulation was brought, whether the Government ascertained the views of the people?

Mr. A. B. Salem.—I understand that Mr. Kannan Nayar never held public meetings to ascertain the views of the majority. During the course of his practice and contact with the people he thought that that was a best piece of legislation. It is not customary anywhere.

Rama Varmha Tampuran.— Is there not a provision in the Madras Rules that a Bill can be circulated? It is only a substitution for that. There is no such provision in our Standing Orders, and hence this is adopted.

Mr. C. J. Mathew.—The majority of my constituency form Christians, and I have held informal meetings there to ascertain whether they require any improvement in the existing Bill. They seem to be of opinion that certain improvements are necessary. Therefore, I think it is time to effect these changes. Why then postpone this Bill? What is the intention of the Government in asking to pass over this Bill at present?

Deputy President.—The Tamil Christians' views have not been ascertained. It is only for that.

Mr. A. Sankara Menon.—The object is to postpone the Bill since the Tamil Christian's views are not ascertained.

Dr. A. R. Menon.—The other reform that they are bringing is a progressive one. What they want is to give some more rights to the women of their community. Therefore, it is not advisable to delay it. We will devise some means by which the other portion may be deleted from the Bill.

Mr. A. Sankara Menon.—If the mover of the Bill agrees

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to remove that portion, the Government has no objection to that.

Rama Varmha Tampuran.—I shall explain what the Government view in the matter is.,

It is understood that, in the Select Committee, they go only into the details of the Bills, *i. e.*, if the second reading is passed, then the principles of the Bill are accepted and only the details will have to be gone into by the Select Committee. So it automatically follows that, if the second reading is passed, the Bill should apply to the Tamil Christians also. That point the Government cannot concede until they ascertain the wishes of the people. Inquiries have been started, and the moment they get the reports from the officers concerned that these people are willing to come under this Regulation, then I think Government will have no objection.

Mr. M. K. Raman.—Have the Tamil Christians informed the Government that they are opposed to this Bill ?

Rama Varmha Tampuran.—It is not expected that they are in a position to do so.

Mr. A. B. Salem.—If it is understood that the Tamil Christians do not desire any provisions of the Bill, there is nothing preventing the Government from tabling amendments.

Rama Varmha Tampuran.—But once the principle of the Bill is accepted ?

Mr. A. B. Salem.—There is nothing preventing the Government, after having got the information sufficient for that purpose, to determine whether they should oppose any provision of move for certain separate provisions. I am not now entering into the merits of the Bill.

Mr. P. Krishna Menon.—The question is whether the point whether the Tamil Christians of Chittur ought to be included or excluded from the operation of the Bill or whether the inclusion or exclusion is to have effect at a future time falls within the phraseology of the principle of the Bill or does it fall within the details of the Bill. The principle of the Bill is to give increased rights to a portion of the community.

Mr. T. K. Krishna Menon.—May I say a word, Sir ?

Mr. P. Krishna Menon.—If it is a question of order, you can rise up, or else, please sit down. The principle of the Bill is to give extended rights to the women of the community. Therefore, my respectful submission is, by having to discuss the question of the exclusion or inclusion of the Tamil Christians of Chittur, it cannot be said that we are discussing the principle of the Bill. Therefore the only objection seems to be, as far as I have been able to understand, that the principle of the Bill is not to be

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discussed by the Select Committee. If it is conceded that it does not form the subject-matter for discussion, certainly there is no objection on that ground. Therefore, the real question before the House is whether their exclusion or inclusion is a principle of the Bill. My submission is, as I said before, that it is only a matter of detail. The principle of the Bill is to give extended rights to the women of the community.

Mr. A. Eachara Menon.—Also to extend the Bill to the people who are not at all here.

Rama Varmha Tampuran.—Exactly so.

Mr. P. Krishna Menon.—Therefore, once it is conceded that everything except the principle of the Bill can be discussed in the Select Committee, and conceding that it does not violate that principle, certainly the Bill can go on. There will be time enough for discussing the question whether the Tamil Christians ought to be included or excluded or even if included when it is to affect them. My submission is that, on the ground of the exclusion of the Tamil Christians, the Bill need not be passed over. I once more submit that this ground is not at all a really good ground.

Mr. A. Sankara Menon.—May I offer a word of explanation, Sir ? The Hon'ble Member for Vyttila and the Hon'ble Member for Jews seem to be under a misapprehension with regard to this matter.

One section of the Bill proposes to alter clause (b) of section 2 of the Regulation already in existence thereby including the Tamil Christians also under its operation. The Chittur Christians are now governed by the Hindu Law. The object of this Bill is to make the Christian Succession Regulation applicable to them also. So far as this Bill is concerned, there is a distinct principle involved whether these Christians should be brought under this Regulation or not, and that is the only reason why we are opposing this Bill. We do not oppose the Bill with regard to the increased share to be given to the women of the community. We do not oppose that portion at all. If the provision for including the Tamil Christians is deleted, we won't oppose the Bill.

മിസ്റ്റർ കെ. അയ്യപ്പൻ.—സർ, ഇതിനുമുമ്പ് ഇവിടെ അനുവദിച്ചിട്ടുള്ള ബില്ലുകളുടെ നില നോക്കിയാൽ ഗവമ്മേണ്ടിനു ഈ ബില്ലിന്മേൽ ഒരു തടസ്സവും പറവാൻ ന്യായമില്ല. മറ്റു സകല ബില്ലുകളും ഇവിടത്തെ ഒരു വ്യസും അറിയാതെതന്നെ സിലക്ട കമ്മറിക്കു വിട്ടുകൊടുത്തിരിക്കുന്ന സ്ഥിതിക്കു ഈ വാദതടസ്സം പറവാൻ ഗവമ്മേണ്ടിനു ഈ സ്റ്റേജിൽ ഒരിക്കലും ആവശ്യമില്ലാത്തതാണ്.

Deputy President.—The question before the House is that the Cochin Christian Succession Regulation Amendment

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Bill be passed over under Standing Order No. 26 till the views of the community are ascertained.

Question put and agreed to, Government voting for.

Mr. V. D. Ouseph.—A poll, Sir.

The House divided: *Ayes 18, Noes 17 and Neutrals 2.*

Ayes.

1.	Mr. V. K. Aravindaksha Menon	10.	Mr. T. V. Ramalinga Ayyar
2.	,, P. C. Chanchan	11.	,, I. Raman Menon
3.	,, A. Eachara Menon	12.	Rama Varmha Tampuran
4.	,, A. S. Harihara Ayyar	13.	Mr. K. Ramunni Menon
5.	,, E. Ikkanda Wariar	14.	Dr. A. R. Menon
6.	,, T. K. Krishna Menon	15.	Mr. A. Sankara Menon
7.	,, K. Krishna Pisharodi	16.	Dr. E. A. Veigas
8.	Rao Sahib Mr. C. Matthai	17.	Diwan Bahadur Dr. V. Verghese
9.	Mr. P. Nilakanta Menon	18.	Deputy President

Noes.

1.	Mr. I. E. Ambooken	9.	Mr. A. K. Kunhi Moideen
2.	,, A. L. Antony	10.	,, C. V. Kuriyan
3.	,, K. J. Antony	11.	,, C. J. Mathew
4.	,, K. Ayyappan	12.	,, K. Mohamed Seethi
5.	,, M. A. Chakko	13.	,, V. D. Ouseph
6.	,, K. P. Kannan Nayar	14.	,, Ouseph P. Kundukulam
7.	,, P. Krishna Menon	15.	,, M. K. Raman
8.	,, P. Kumaran Ezhuthassan	16.	,, A. B. Salem.
		17.	,, Thomas Manjuran

Neutrals.

1. Mr. V. V. Anantapadmanabha Ayyar
2. ,, T. K. Nayar

Mr. T. K. Krishna Menon.—18 for, 17 against and 2 neutrals.

Mr. A. B. Salem.—Before the number is announced, I want to know whether Dr. A. G. Menon voted.

Mr. K. Ayyappan.—Whether he is a Member or not, I want to know.

Deputy President.—The Member was absent at the time of the voting.

Mr. A. B. Salem.—I want to bring to your notice that the Member slipped through.

Deputy President.—He said he was not here and that he did not vote. Excluding myself 17 for and 17 against. I have got my individual vote. So 18 for and 17 against.

Mr. M. K. Raman.—President did not vote.

Deputy President.—Dr. A. G. Menon did not vote.

Mr. Thomas Manjuran.—But the President who did not vote cannot be counted, if the Member's vote cannot be counted. If the President's vote is to be counted,

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Dr. A. G. Menon's vote which is not in the list should be counted. So it is 17 against 17. May I know what is the procedure, if a Member hears the bell at the close of the discussion and rushes to the Council with all haste and votes in time before the poll is concluded? Is it included?

Dr. A. R. Menon.—On a point of order. Is not the ruling of the Chair final? He has given a ruling. If he says he is not entitled, he is not entitled. Why do you carry on the discussion?

Diwan Bahadur Dr. V. Verghese.—How did 15 become 17?

Deputy President.—I counted only 13 or 14.

Mr. A. B. Salem.—When a poll is taken, all the Members rush in.

Mr. V. D. Ouseph.—May I know the number against and for? By my counting it comes to 19.

Deputy President.—There was so much of confusion that I shall begin again. I shall cancel it.

Mr. A. B. Salem.—That is the best thing. Ring the bell, and take the vote.

Deputy President.—There was so much of confusion in the matter. Several were here. Several did not vote. Several came in afterwards. I cannot say exactly how many. Hereafter I will not allow anybody to vote who did not come in at the ringing of the bell. I counted only 10 or 12 or 13.

Dr. A. R. Menon.—On a point of order. Can you take a second poll? We want a definite ruling from the Chair. If you say 17, it must be 17. If you say 18, it is 18. If not, you can go on continuing like this.

Mr. P. Kumaran Ezhuthassan.—On a point of order. What has actually taken place here, will it find a place in the Proceedings of the Council?

Mr. A. B. Salem.—It will be found.

Deputy President.—There were mistakes in the counting. A fresh poll may be taken.

Ayes.

1 Mr. V. K. Aravindaksha Menon
2 Mr. P. C. Chanchan
3 Mr. A. Eachara Menon
4 Mr. A. S. Harihara Ayyar
5 Mr. E. Ikkanda Wariar
6 Mr. T. K. Krishna Menon
7 Mr. T. K. Nayar
8 Mr. K. Krishna Pisharodi
9 Mr. C. A. Kunjunni Raja
10 Rao Sahib Mr. C Matthai
11 Mr. P. Nilakanta Menon.
12 Mr. T. V. Ramalinga Ayyar.
13 Mr. I. Raman Menon
14 Rama Varmha Tampuran
15 Mr. K. Ramunni Menon
16 Dr. A. R. Menon
17 Mr. A. Sankara Menon
18 Dr. E. A. Veigas
19 Diwan Bahadur Dr. V. Verghese
20 Deputy President

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Noes.

1	Mr. I. E. Ambooken	10	Mr. A. K. Kunhi Moideen
2	Mr. A. L. Antony	11	Mr. C. V. Kuriyan
3	Mr. K. J. Antony	12	Mr. C. J. Mathew
4	Mr. K. Ayyappan	13	Mr. K. Mohamed Seethi
5	Mr. M. A. Chakko	14	Mr. V. D. Ouseph
6	Dr. A. G. Menon	15	Mr. Ouseph P. Kundukulam
7	Mr. K. P. Kannan Nayar	16	Mr. M. K. Raman
8	Mr. P. Krishna Menon	17	Mr. A. B. Salem
9	Mr. P. Kumaran Ezhuthassan	18	Mr. Thomas Manjuran

Neutral.

Mr. V. V. Anantapadmanabha Ayyar.

Mr. T. K. Krishna Menon.—20 for, 18 against and one neutral.

Deputy President.—20 for, 18 against and one neutral.

Mr. V. D. Ouseph.—I think the Secretary will have to announce. The Secretary should advertise.

Mr. T. K. Krishna Menon.—It is not the work of the Secretary to advertise things.

Deputy President.—Some of those who were here did not vote at the beginning.

Dr. A. R. Menon.—I want a ruling whether the Chair's ruling is liable to be challenged by any Member?

Deputy President.—If I am satisfied that it is a mistake?

Mr. C. J. Mathew.—Nobody challenged also.

Dr. A. R. Menon.—When once you give the number, the number may be wrong, it should not be changed.

Deputy President.—There was room for mistake. Some stood up, some did not stand up, some did not vote at the beginning, those who voted for voted against.

8. Bill to amend the Cochin Code of Criminal Procedure.

Deputy President.— The next is Mr. C. A. Kunjunni Raja's Bill.

Mr. C. A. Kunjunni Raja.—I move that the Bill to amend the Cochin Criminal Procedure Code be read in Council.

Mr. A. Eachara Menon.—I beg to second it.

Mr. C. A. Kunjunni Raja.—The objects and reasons are sufficiently clear, and I don't think that anything more can usefully be added. This Council need not be told about the advantages of a Jury trial. The main purpose of the enactment is to introduce the system of trial by Jury as in all civilized countries. In British India the Government have introduced in some districts trial by Jury and in some districts trial with the aid of assessors. Cochin is a highly educated country and our people are fit to be given the privilege. We can start with assessors.

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